



MINUTES OF THE ZONING & PLANNING BOARD OF APPEALS

**MONDAY, OCTOBER 21, 2019, 5:30 PM
CITY HALL, ROOM 310**

PLEASE NOTE ROOM CHANGE.

A. ROLL CALL.

I. Members: Don Carlson - Chair, Gregory Babcock - Vice Chair, Tommy Everman, Noel Halvorsen and Jim Hutchison

Does anyone need to abstain from voting? Who was out to the property? Did you speak to anyone regarding this variance request?

Members present: Jim Hutchison, Gregory Babcock, Noel Halvorsen, Tommy Everman (arrived at 5:42 p.m.), Excused: Don Carlson

Vice Chair Gregory Babcock asked if anyone need to abstain from voting, went out to any of the properties or spoke to anyone regarding the variance requests? All stated no.

Others present: Ald. Jesse Brunette, Ald. Veronica Corpus-Dax, Ald. Bill Galvin and Ald. Mark Steuer.

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the October 21, 2019, meeting of the Zoning & Planning Board of Appeals.

Moved by Jim Hutchison, seconded by Noel Halvorsen to approve the agenda. Motion carried.
Yes- Gregory Babcock, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

C. APPROVAL OF MINUTES.

1. Approval of the minutes from the September 16, 2019, meeting of the Zoning & Planning Board of Appeals.

Moved by Noel Halvorsen, seconded by Jim Hutchison to approve the minutes. Motion carried.

Yes- Gregory Babcock, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

D. REGULAR BUSINESS.

Moved by Jim Hutchison, seconded by Noel Halvorsen to open the floor for discussion for the Board of Appeals meeting. Motion carried.

Yes- Gregory Babcock, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

1. Robert Halbrook, property owner, proposes to construct a new attached garage and breezeway in a Low Density Residential (RI) District at 3670 Humboldt Road. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615 (b)(2), size of accessory structures (Ald. B. Dorff, District 1).

Moved by Jim Hutchison, seconded by Noel Halvorsen to grant the variance as requested. Motion carried.

Yes- Gregory Babcock, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

2. Roger Truckey, property owner, proposes to retain existing driveway openings in a Rural Residential (RR) District at 3359 Haven Place. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-1705 maximum driveway width (Ald. J. Brunette, District 12).

Moved by Noel Halvorsen, seconded by Tommy Everman to grant the variance as requested. Motion carried.

Yes- Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

3. Brian Rasmussen, on behalf of Aurora Bay Care, property owner, proposes to retain an existing fence installed in a Planned Unit Development (PUD) District at 2783 Greenbrier Road. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521(a)(2) fence height and setback (Ald. V. Corpus-Dax, District 2).

Moved by Noel Halvorsen, seconded by Jim Hutchison to grant the variance as requested with the condition the variance will expire in 5 years, in which the applicant will need to come back to the Board if the parcel remains undeveloped. Motion carried.

Yes- Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

4. Michael and Christine Casperson, property owners, propose to construct a concrete pad for a future accessory use in a Low Density Residential (R1) District at 720 Chicago Street. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, front and corner side yard setbacks (Ald. B. Galvin, District 4).

Moved by Tommy Everman, seconded by Noel Halvorsen to grant the variance as requested. Motion carried.

Yes- Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

5. Ryan and Naomi Parrott, property owners, propose to retain an existing a fence installed in a Low Density Residential (R1) District at 816 Winford Avenue. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521(a)(1) fence height and setback (Ald. M. Steuer, District 10).

Moved by Tommy Everman, seconded by Noel Halvorsen to grant the variance with the condition the fence be moved back and remain even with the first fence post and to clean up the property removing all old fencing in the backyard. Motion carried.

Yes- Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

Moved by Tommy Everman, seconded by Noel Halvorsen to close the floor for discussion for the Board of Appeals meeting. Motion carried.

Yes- Gregory Babcock, Tommy Everman, Noel Halvorsen, Jim Hutchison, No- None, Abstain- None

E. INFORMATIONAL.

I. Date of Next Meeting: November 18, 2019.

F. ADJOURNMENT.

Moved by Noel Halvorsen, seconded by Jim Hutchison to adjourn. Motion carried.

Yes- None, No- None, Abstain- None

VERBATIM MINUTES

- It's 5:30. We can start and Tommy can join.

- Yeah.

- Okay. All right, it's 5:30. We're ready to call the meeting of Zoning and Planning Board of Appeals meeting. We have some housekeeping matters to take care of here. Gentlemen, does anyone need to abstain from voting?

- No.

- Was anyone out to any of the properties?
- No.
- And did anyone speak to anyone regarding any of the variance requests on the agenda?
- No.
- No.
- Okay, thank you. We need to move the agenda for October 21st. Did everyone receive that agenda?
- Yes.
- Mm hm.
- Would someone like to entertain a motion to approve the agenda for today?
- So moved.
- Second.
- We have a motion by Jim, seconded by Noel to approve the agenda. All in favor?
- [All] Aye.
- The minutes from September 16, 2019, everyone had an opportunity to review those?
- Yes.
- Yes.
- Move to approve.
- Second.
- Okay, we have a motion by Noel to approve the minutes from September 16th meeting, seconded by Jim. All in favor?
- [All] Aye.
- Okay. So when you come up, we're gonna start calling the order of the agenda items for today. When you come up, just state your name and then an address for the record so we know who's speaking and where you're located. I'm gonna open the floor for the beginning of the agenda items, any objection to that?
- No. We have to second, or vote on it?
- Yes, please.
- Oh, we have to vote on that.
- A motion and a second please.

- Okay, I'll so move.
- Okay.
- Second.
- Okay, we have a motion by Jim to open the floor for the agenda items, and that's seconded by Noel. All in favor?
- [All] Aye.
- All right, the first item on the agenda is Robert Halbrook, and this is 3670 Humboldt Road, address property. Come on up.
- [Robert] Robert Halbrook, 3670 Humboldt Road.
- Okay. If you'd like to take a seat and state your case.
- Comments from you, Paul.
- It's up to the Chair.
- What's that?
- Do we start with Paul?
- Oh, okay, yeah, sure.
- Giving us some extra framing?
- Is that what we've been doing?
- If you want to, I can give a quick overview.
- Yeah, let's do that.
- Yeah, this is a property on Humboldt Road, the far east side of town near Grandview Road. Single family home, Low Density Residential property. This is 3670 here, existing single family with an attached garage. The proposal is to, this is the existing image of the dwelling and garage. Again, have a plan view of that. This is the proposal to add a larger garage and still keep the breezeway, so it's not a detached garage, it's an attached garage. So setbacks are not so much a concern for Humboldt Road here, it's the area of the garage relative to the home. It's larger than the front part of the home, so that's the need for the variance, the dimensional variance above and beyond the front part of the home.
- Okay.
- All right, would you like to state your case. Paul has given an overview of what we're dealing with here.
- That was basically what I want to do is make the garage bigger.
- Okay.

- [Robert] As far as why, is because it wouldn't really be cost-effective for me to actually make it size with the house as far as the building code is, and I would have to make, as far as getting my money back in return, it's not gonna cost me much more to build it a little bit bigger and keep the three vehicles that I have parked inside instead of keeping them parked outside. There really isn't any, 'cause I have to pour footings. So the footings is a huge cost. So to build it a little bit bigger isn't gonna be much more of a cost.
- How big is the current garage?
- [Robert] It's 21 feet wide by 24 feet deep.
- And this is, what's the proposal on this one?
- [Robert] 40 feet wide, 32 feet deep on the house side, and 30 feet deep on the other side, just to step it back two feet so it has some, it looks nicer on the front.
- And I think the house is about 1,150 square feet? Plus the breezeway.
- [Robert] Plus, yeah, and the breezeway is actually proposed to be two feet deeper and two feet wider. It's actually eight by eight currently.
- This is a double lot, or no, it was a double lot?
- [Robert] It was a double lot at one time. It is no longer a double lot. But on the road it's 200 feet wide.
- So that's a single lot where that star is, that's no longer a double lot?
- [Robert] It's no longer a double lot, it's one continuous lot now.
- Okay.
- [Robert] And if it were a double lot, I would be building a separate garage.
- What are we comparing the square footage to, just the house, or the house and the breezeway?
- The house and the breezeway of the house.
- [Robert] Yeah, it's the breezeway together. I think the house itself is like 980.
- Okay.
- The breezeway is tenantably habitable I suppose, a dwelling per se, but it's more in the principal side than it is on the accessory side.
- So we're really close.
- [Robert] Yeah, we're within a couple hundred feet.
- Administratively we can't issue a permit without it being right on.
- I got you.
- [Robert] Correct.

- And this is on the corner outside edge of Green Bay?
- [Robert] Yeah.
- This is near the far east side, yes.
- The far east side.
- [Robert] There's only one more street over, and then it's the Town of Humboldt. I have my own well and holding tank. I do not have city sewer or water. And there's a farm field behind me as you can see in the photo, and farm field in front of me.
- What's the business there in the corner?
- That's a car lot.
- Oh, okay.
- [Robert] And he does, it is a business.
- Okay.
- I guess it's been there for years. It's a remnant use from probably the Town of Preble years and years ago.
- Right.
- Okay.
- [Robert] And then grandfathered in.
- Any other questions for the applicant?
- [Jeff] Robert.
- I don't think I have any.
- [Jeff] You got a letter from Pete next door.
- Oh yeah, I do have a letter from my neighbor next door to the left, which would be to the west, which they also have a four stall garage on their house that if you can look on a picture there, the more silver part of the top of it, that's the original house, and the part right above the lettering in the center of the picture is what they added onto it.
- It's significantly larger.
- [Robert] Yes. I'm trying to get the garage to kind of fit in with the neighborhood a little bit too. And then all new siding and everything on the house to make the appeal nicer. House angle, you can see in that picture how much bigger.
- Mm hm.
- Yeah.

- So it's not outta whack in appearance or function?

- [Robert] No, it will be out of, no, it'll--

- Still 86 feet on the side.

- [Robert] It'll still be shorter than the house, and look how, my property actually, you can see in the photo, the ends where the fence is, you can kind of see the poles. So there's, even with the new garage, there's over 80 feet from the garage to my property line.

- Noel, any other questions for the applicant?

- No. Thanks.

- Anyone else who would like to speak on behalf or against the variance? Sir, go ahead.

- [Jeff] Jeff Halbrook, 2686 Humboldt Road, Rob's contractor.

- Okay.

- [Jeff] I've been a contractor for 30 years. But anyway, part of the problem there is when they built the road across there is there's a water problem there. In the spring his garage actually flooded. So we want to raise that up a little bit, and then when we rebuild it to raise it up to make it a bit bigger is the cost-effectiveness of this. But there is a water problem there, and that's one of the reasons we have to build it up, the reason that we moved up, also right now, it's on a floating slab, which is all busted up. And we'll put footings under there in the, permanent I guess, if you want to call it that.

- Okay.

- [Jeff] So that was one thing I was going to mention.

- Okay.

- Thank you.

- Thank you.

- Anyone else who would like to speak on behalf of or against the variance? Okay. Can we each deliberate here?

- Yeah, you know it's, I look at this and again, it's a funny lot being so large, you know, and with the surrounding uses it seems not out of line. But this is one of those situations where when I look at that breezeway, and I start playing games thinking about, well, you could just make the breezeway even wider towards the front and the back of the house, and eventually it's going to get to a size where the house and the breezeway together are going to equal the size of the garage, and then we wouldn't be here.

- Mm hm.

- [Jeff] We actually talked about that when we drew the plans. There is windows in the basement in front and in back of there, so we'd have to cover those windows up when we redid it.

- Sure, and again, it's just like a mental exercise being like whether this makes sense or not you know, and we could say, oh yeah, make the breezeway that big, and now it's like they're already making decisions to try and

maximize the cost-effectiveness and efficiency of this. I don't have a, if it were 400 feet variance in terms of the square footage, but we're talking about a 100, 114.

- I agree.

- I think that to me it's the location, with a field there, a field here, you've got the garage across the street, and the business over there, and just where it's located and the lot next door, which has a gap in between the double lot that used to be a double lot I guess and now it's a single, to me it just, I don't have a problem with it at all.

- All right, I don't either, since it seems to be fitting in with the existing area anyway. So I don't see a conflict there that we have to buffer that up, so I'm for the variance.

- Okay.

- I'll make a--

- Motion?

- Was that a motion to approve?

- I'll make a motion to approve.

- Second.

- Okay, we have a motion made by Jim to approve the variance that's been seconded by Noel. All in favor?

- [All] Aye.

- Your variance was granted.

- [Robert] Sweet.

- [Jeff] Thank you.

- You're welcome.

- [Robert] Thank you, gentlemen.

- Yeah, Paul, do you need anything from them?

- No, just make sure to stop in for permits when you're ready.

- [Jeff] All right.

- [Robert] Yeah, thanks.

- Thank you.

- Okay, next item on the agenda is Roger Truckey, a property on Haven Place.

- Roger and Donna Truckey, 3359 Haven Place, residence. We've lived here over 40 years.

- Okay, well have a seat if you'd like.

- Sure, so we're on the far west side of town. This is on Haven Place, just the opposite. Single family home again. Very rural area, Rural Residential is the zoning. The applicant was before the board back last year early in 2018. Haven Place was being reconstructed at that time. The applicant had three different driveways and he need to come in because of a driveway that was improved here. The Board granted the variance to 34 feet at the pavement line. So in 2019, Haven Place was reconstructed. This is an example of what was done during the construction. The variance was for 34, it was constructed at 41 actually. So the applicant's come back in to ask for a variance to deviate from 34 now to 41 feet in overall width of that opening for the driveway.

- Okay.

- [Roger] It is very rural, like Paul said. A very narrow road they put in, 24 feet. We've only got a foot on each side of that for gravel for shoulder, and then ditches are anywhere from three to 20 feet deep. The city redid the road. And the contractor couldn't do the driveway until they had the final grade on the road. So the city tore out my driveway, well the contractor did for the city, tore out the driveway, put a new culvert in. My old culvert was 34 feet. The new culvert is 46 feet, they put in a 12 foot wider culvert. The contractor got the call from the city that the grade was set for the road. The contractor game out, poured the concrete, and the only question I had, do they do a four inch slab with steel reinforcing rod, and they said no, we just do a six inch, it's still just as strong. I said fine. They come out and did the apron. The driveway's still 30 feet, but it spreads out, the apron where it flares out at the road is 41. About two weeks ago the city planning coordinator came by the house and measured the driveway and told me that it had to be cut because it was too wide. I said what d'ya mean? She says, well, your permit says only 34 feet and they poured it 41. I says, I didn't know, this is the first I know. What can I do about it? Nothing, we're gonna cut your driveway. We're gonna cut seven feet off, three on one side, four on the other, as I drew there in the red. And I said that don't make sense, can I go before the board to have a variance? She said, no, you've had enough time, two weeks. I said I didn't even know it was illegal. She says, and we might even cut it today. So I called City Hall and talked to a few people, then I came down to talk to Paul. I explained it to him. He let me put in a variance request and I'm here today. I do have some pictures of what it looks like now. It's been a couple of weeks since it had the whole grading done. This is pictures of it showing it from different angles. There's a driveway just down actually across the street from me at 3316 and 3305, the driveway on Haven, is actually 55 feet three inches, that's this one. And there's another in a brand new subdivision not too far from me, they have curb and gutter and a black top road and their driveway is 42 feet at a curb, just for an example. My driveway's still gonna be gravel 46 feet wide, even if they cut seven feet of concrete off. So nothin's gonna really change except seven feet of concrete verse seven feet of gravel. And that's why I'm here asking for the variance. And if you have any questions I'd be happy to answer 'em.

- Okay, that's a good description, thank you. Paul, what was the, so there was a 34 foot distance in the approved variance?

- Right, so for a driveway for a single family it's 25 max at the property line. It would come through like a neck and then flare out to a max of 30 at the curb line or pavement line. So here, the variance is from 30 to 34. Now they constructed it wider than that, so he's come back again to ask for something even wider at the pavement line or the curb line.

- Okay, so the 34 woulda been down where the 41 is?

- Correct, yes. So it's seven feet wider than it was approved.

- [Roger] This is, all lots out here are seven acres, or, mine is only two, 400 feet I have on the road. Most of the other lots around me are seven acres. In this whole area where they resurfaced the road there's only 18 homes and that's about a, not quite a half mile long right to the end of, just beyond me to the left is the city limits up there. Two lots to the left is the end of the city. There'll never be sewer and water out here 'cause

they would have to go west and go through Oneida. Everybody's on either a sandpoint, a well, and we all have septic.

- So this isn't really contiguous to like a neighborhood or that type of thing? It is a neighborhood, but it's more estate sized to the lots.

- Right, okay.

- Yeah, it's limited because of the sewer service.

- So 24 is allowed, he got 30.

- 30 is the max at the pavement line, then 34 is what the Board granted. And the permit was issued at that point, but again was constructed larger, seven feet larger or wider than that.

- So the contractor just did it wrong, or what happened?

- [Roger] The city came out and marked the driveway. The grader come by and took all the paint off. My driveway was done before everybody else's on the road because it's concrete. The rest of them, the road was done and then their aprons were put in, blacked up, but I had a concrete one so it had to be done before. And me and I think, this is my own thought of what happened was, the marks were gone so we laid out a driveway according to how the gravel was, 'cause the new culvert was 46 feet. My old one was 34. I think he looked at the driveway and just made it appropriate because the 30 was there, and then he just come out. There was no rocks or landscaping, that's all after everything's done, it was just all gravel, 46 feet wide.

- And there used to be three driveways on this property?

- I think there still are.

- [Roger] There still is.

- There still is.

- [Roger] I had a permit for one. The other one the city put in for I could reach my septic tank, so the truck could get back to the back of the lot, because the ditches are all three, five feet to 20 feet. And the road is, where my septic is, on the right hand side, that's below a hill. My driveway's actually on the top of the hill, and then where it says 2475 I believe, that's at least 10, 12 feet down a hill, and then there's a ditch right at the corner where the green is on the right, that ditch is about 15, 18 feet there, with a culvert that goes underneath the road to the north.

- Had you put the driveway in that was approved?

- [Roger] It was done many, many years ago.

- No, the one that we talked about a year ago or something like that, had you poured that and put that it, then it was removed when the street improvements were made?

- [Roger] Yes.

- So this is the second time you've poured the pad between the driveway and the street.

- [Roger] The contractor for the city poured it.

- Oh the contractor for the city poured it.
- [Roger] MCC hired Martell as a subcontractor. MCC was the road contractor, the general contractor for the whole road.
- The city contractor poured the road?
- It was part of a construction project this past year.
- But the contractor for the city poured the aprons?
- Yes, as part of the project, yes.
- So the city's contractor did that way, okay.
- Correct, yes.
- All right, I don't have any other questions.
- And I don't have any other questions either.
- Do you have any questions?
- Those were all the questions I was gonna ask.
- He's Tommy come lately, he can't--
- Sorry by the way, I came in late, I apologize for being late.
- No problem.
- If I could?
- Sure, we, are you done, do you have any more?
- Unless you don't got any questions.
- Okay, sounds good.
- Yes.
- You'd like to speak on behalf?
- Yeah, speak on behalf of the gentleman. Thank you, I'm Jesse Brunette. I'm the District Alderman for the area. I am quite familiar with this road, with this situation. Haven was to be reconstructed last year. There were a lot of issues that prevented that. It was done this year. Mr. Truckey, one thing he didn't mention that I think for me is, I'm speaking in favor of approval by the way. But he has a large recreational vehicle as do many members of the neighborhood. And because it's such a narrow street, and this is kind of a hilly area, and that's the city limits to Hobart, I view it as a safety issue for Mr. Truckey when he's trying to back out a large recreational vehicle because of the narrow part of the road, those extra feet would really would be of benefit for safety moving in and outta there. It is a rural area. His current drive is systemically pleasing. I think just to remove it is just, in my opinion, pointless. I don't think it causes any harm to grant a variance.

- Okay, thank you. Anyone else who would like to speak for or against the variance?

- Yes.

- Who's sitting back there?

- [Scott] I'm Scott Trembl, I live at 3394 Haven, kitty-corner across from Roger. It doesn't affect us in the neighborhood at all. If anything it makes it safer for us. He's got a big 5th wheel, that allows him to turn in and out without spending all the time on the road. As a neighbor that looks at it, drives by it, absolutely no problem, it actually helps us.

- Very good, thank you. Anyone else who would like to speak?

- [Dave] Dave Kamps, 3397 Haven, just west of Roger, same side of the street. Is this gonna stop any more B.S. coming down the road with this engineer or whatever, where the city comes and says, well your driveway's too wide, we wanna narrow it down because, like my driveway, Scott's driveway, we're like 350, 400 feet deep, and I was, I'm a retired city fireman, and I know from driving emergency vehicles that what we got now, that they'd be hard pressed to turn a rig up those driveways we got to get to the house, and they're not gonna want to lay 400 feet of hose to try to put out a house fire with. Was this ever considered in this great scheme of things, is what I was wondering about? Roger's one thing, he's a little closer to the road. But most of us, we've got extra deep driveways. We're way back off the main drag.

- Well, we have to consider each individual case.

- [Dave] And I just wanna know that, they never mind on a few feet, and I even got a hard time driving, I got a longer truck, I'm do construction now that I'm retired, and half the time, my back end of truck, I hit the frickin' ditch and, you know, when I'm pullin' in, it's just that narrow because the street is that narrow. But a big rig, a fire department truck would have a hard time getting in without having to jockey around and so on and so forth. And so there's a safety factor there too, but.

- Are you supporting the variance request?

- [Dave] Yes, I am. I just don't want to come down the road, like next week, all of a sudden they're cutting' my driveway down somewhere 'cause I'm over this code or whatever, all of us are with what they want to have.

- Right. Okay.

- I recommend that you have a conversation with your Alderperson about that.

- There you go. Just give me a call, I can explain.

- [Dave] Okay, thank you.

- Anyone else who would like to speak for or against? Okay. What do you gentlemen think about the request?

- I think, you know, Alderman Brunette's comments make a lot of sense to me. I think the fact that this was done by the city's own contractor, and I don't know, it just, it's a done deal, let's not add more cost to undoing it. We can create that variance now and put this to bed, I think I'd be in favor of doing that.

- I agree, it sounds like we'd have a condition because of the geometry of the road and the narrowness of the road, it sounds like what I'm hearing is if we took those out, there'd be tire prints there in the gravel where there used to be concrete. So I don't see that being as safe as having concrete there. So I'm in favor of the variance also.

- Yeah, I'm siding here with Noel, is the city was the one that kind of installed it incorrectly. It shouldn't flow back onto the property owner in my opinion, so let's just get it fixed and get it done, and have some great feedback with the contractors.

- Yeah, I think we're in agreement then.

- Move to approve the variance as requested.

- I'll second.

- We have a motion by Noel to approve the variance request, seconded by Tommy. All in favor?

- [All] Aye.

- And that's--

- Thank you, sir.

- You have your variance.

- [Roger] Thank you very much. I do have one question. Will the city contact the MCC contractor and tell them not to cut my driveway? Because he got a letter from the city engineer to cut all driveways.

- I'll talk to Jennifer tomorrow and follow up with her.

- Thank you very much. Thanks Paul, I appreciate everything. And thank you, Board.

- All right.

- You're welcome.

- Take care.

- Yep.

- All right, next on the agenda, we have Mr. Brian Rasmussen on behalf of Aurora BayCare regarding 2783 Greenbrier Road. Paul?

- Sure.

- Are we gonna introduce ourselves.

- Have a seat, Paul's gonna give a little overview, and then we'll turn it over to you then.

- 2783 Greenbrier, Greenbrier Road, this is the Village of Bellevue down here on the south, I-43 and then the Aurora BayCare Hospital is here. This property was acquired by BayCare. A former farmstead site. So it was a single family residence here. There's some barns, outbuildings that were used years ago for farming operations. More recently it's been used as a lay down yard for construction projects that are going on on the BayCare campus. You can kinda see, at one point this was all vegetative, but these areas were used as lay down for material for construction. So we approved a temporary site plan back in 2015 to allow that to occur. Following up on our inspections we found out that these areas still remain like they are today. Now these areas have been rehabilitated so to speak, they've been planted, seeded. But during that construction process they put up

a temporary fence here for security reasons. And over time that fence became more permanent in nature. It went from a temporary to more permanent fence. So the issue before you is the retention of that fence. So there's a fence that runs I think pretty much around the full length of the front of the property. It's treated as a commercial property. An eight foot high fence is permitted. The problem is is that fence is right on top of the right of way basically, so it encroaches within the front yard setback. When you get in the front yard setback, then you've got that three, four, five rule as far as it being transparent. So the idea here is they want to keep the fence as it is. It presents a problem because there is an existing driveway here as well. There's supposed to be additional triangles that are maintained, for obviously people coming and going from that so it doesn't create an issue. So at this point it's an eight foot fence. It's got slats in it I believe. So the request is to keep it as is as a permanent fence.

- Okay.

- [Tom] So my name is Tom Katers. I'm with ISG, and I have Mr. Richard Miller--

- [Richard] Richard Miller, I work for Baycare Medical Center.

- [Tom] With Aurora. So as Paul alluded to is, back in 2015 they had purchased the property and there was a couple of large projects that had gone on. So they utilized that property extensively for the lay down area, the traffic around the pond, that sort of thing. This summer, with the inspection happening, Aurora has jumped on and made a lot of that area green space, so brought it back to where it was supposed to be. At the time of all that construction, to be a good neighbor, and of course during construction you want to have the safety of all the workers and lay down and what not, they put up a very nice eight foot chain link fence. Aurora this past Spring decided that, being back in 2015 they utilized this property extensively, they don't use it quite as much, but they realize that there's a good use of this land because as you traverse around the hospital, there's really no space that's not visible, clearly visible from all aspects. So this property became a good opportunity to have small areas for landscaping needs, extra stone, that sort of thing. They're small projects, they have ongoing projects on the property, on the premises, for small lay down areas. So they realized that this still has a lot of value. At some point this property does plan on being fully developed and turning into part of the hospital moreso. They've upgraded the roof shingles here in the past year.

- [Richard] Torn a barn down.

- [Tom] The barn is gone now. But they still are requesting some of the graveled area behind, but a majority of it is back to grass already. So with that, realizing that it's still being used for some lay down area, you guys could answer more as is how often this actually is utilized, this entrance and exit.

- Sure, absolutely. Right now we have a few of the contractors that are on site on a daily basis, once or twice, three times a day that that entrance is used. And one of the big reasons why that we feel that appropriately the way it's stated now, we did say we put the slats in the fence, so it is actually, aesthetically, it's aesthetically pleasing in our opinion, for that current use of what we have. And like Tom said, we're currently evaluating and looking at ways we can make our space even greener and make it more appealing, not only to the neighbors but to the city as well.

- [Richard] When we purchased the property, I think it was about four years ago, the property was in disarray, tall grass, weeds. The buildings were in very poor condition, except for the house, and we've invested quite a bit of money in beautifying that site. And we are respectful of our neighbors on Greenbrier. And they have nice homes over there, and we want to be respectful of them, and that was one of the reasons that we were looking at that eight foot high fence, so they don't have to, I mean, you can go over there any time, it's nice and neat and clean, but it's not residential lawn and trees and grass and bushes. The whole area now where the barn was, that's all green space now, down here. This barn was torn down like two weeks ago. We had to raise a permit for that. That was removed and that's all green space down there. The triangle along I-41, that's all green space again, and it's really just the barn yard that has gravel in it now.

- [Tom] So what this says, Paul had mentioned is, that there is the ability to have a fence in the front yard. It's just the height is the concern. So we are able to have a fence up to the property line, it just has to be three foot rather than eight. Being that the fence is there, this, realizing that the back side of the hospital, this is loading dock, this is cooling towers. There's other things on the hospital that are going on that this is going to help with the screening of as well.

- Mm hm.

- Exactly.

- [Tom] There's not residential anywhere on the north side, it really is the next step is the Highway 43 corridor is right there. So the small print one is then for the vision triangle that came to light after we had applied for the variance. But Paul felt that it was something that we could include in it, was the vision triangle. And essentially what I provided was, it's a Ford Explorer from a police, it could be a law enforcement Ford Explorer that I have placed there, yes. So it has full ability even to have a Ford Explorer between the fence and the curb line, is really what I wanted to show.

- To show that there is viewing?

- [Tom] To show that there is viewing, viewability, you're not just running right out onto the street, there is space there.

- Just so I can track in real quick, because I think I missed a piece. That fence doesn't go through the driveway, it has the ability to open and close?

- [Richard] It does indeed.

- Correct.

- Does the gate swing open? Or does it just kind of slide through this way?

- [Richard] No, it swings.

- It swings.

- It swings out towards the street, or swings back inside?

- Inside.

- Inside, yes.

- Inside for sure.

- Yes, inside.

- Yeah.

- Okay.

- 'Cause as you go by, it swings in.

- Okay, so if I'm going out, I stop, they open the gate towards me.

- [Richard] Then we open it up, you know.
- Got it, okay.
- Not that we have anything that valuable there, but we were very concerned with the barn being there and no, having free access from the street to that, that somebody would go in there and throw a match on that thing, so we tore it down.
- How long 'til the future use of using it for the hospital?
- [Richard] Three years.
- Three years?
- '21.
- Okay, and what would it be used for?
- [Richard] Possibly, we don't know the exact use, but office space and parking probably.
- Okay.
- So for the use as of right now, the fence is more protectionary and visual, hide some stuff, right?
- [Richard] Yes.
- But long term, that fence would not be something that's included in long term plans.
- [Richard] No, three years from now, if we develop this property, the fence would go away.
- Yep, that fence would be down.
- Okay.
- [Tom] Because you have that existing berm, that landscape berm that runs along there, that would continue, and that would continue right to the corridor.
- Got it.
- [Tom] We've done a lot of different options with it, with moving the pond around that's existing in here, to try to help things. It shows up a little bit on the small print, but, yeah, we've done a lot of different options with that area.
- And Paul, for this to, I always like to think, okay, to comply, what their only option is three feet?
- Take five feet off the fence.
- Or if they went, it's just because it's street facing it's three feet no matter what, or would they come in, and maybe it could be eight feet?
- Come back 25 feet.

- [Richard] But that puts it almost to the front porch of the house.
- This one right here?
- The house.
- Or this house?
- What this causes--
- Yes, right here.
- [Richard] It would bring it right up to the house just about.
- Is this building still here, or is this building gone?
- [Richard] That shed is there, the barn is gone. This one is gone.
- Wait, okay.
- [Richard] This is, where's the house? The barn--
- This is the house here?
- It's the darker toned one. The darker toned one.
- That's the house.
- This is gone?
- That is gone, yes, that's the trailers that existed for the projects. So those haven't been there.
- Those are gone.
- Those haven't been there for a while.
- Copy that.
- Yeah.
- Okay.
- [Tom] Yeah, it really looks like the big print. You can see those--
- The trailers?
- Yeah, the trailers aren't there anymore.
- Yep, those are just--
- So this represents the green space that you've added now?
- Correct.

- So what stop, this house isn't in use, what stops, like what's the obstacle for you in terms of making that complying, going right in front of the house since that's not, you just kind of lose some land, but then it complies, you can be eight feet?

- It's already constructed. It's been there, because the fence has been there since 2015 as part of the projects. They didn't realize, the Aurora staff didn't realize that it was something that would be an issue, because it had been there so long, and it would not be something that was permitted by myself, it was permitted by another civil group.

- [Richard] By Boldt.

- So they went ahead wanting to be a better neighbor, and rather than having an open chain link fence they wanted to put slats in. So it's real nice dark green, I hope you guys received that in your agenda. A nice solid green slatted fence.

- Any other questions for the applicant?

- No.

- The fence, the slats actually went into the existing fence, right?

- Correct.

- Correct.

- They actually weave 'em inside.

- Literally manually put in each one of those.

- Yeah.

- Yes.

- It was labor intensive.

- [Tom] I happened to go by and when they were doing it, and I was amazed.

- [Richard] I think that the neighbors appreciate what we've done, I can't officially speak to that, but we on other issues when we added onto the hospital, and we put that large cooling tower there, they had some concerns about the noise from the cooling tower. We looked at a lot of different options and through our engineering consultant and so forth we were able to quiet to their satisfaction the noise on the cooling tower. So we do try to be very good neighbors, I mean, they got nice homes on Greenbrier, and we try to be very sensitive to what we're doing.

- Very good. Any other questions?

- Let me just ask you again, this would be, the fence would be there as long as you're using this as like a lay down area, a storage area. If you're gonna redevelop this into something else, you would address that fence.

- [Richard] It would disappear.

- The fence goes away, yeah.

- [Richard] Because we'd do, there'd be a huge land improvement there then. We wouldn't put it there anymore.
- Okay.
- [Richard] And the other thing we were looking at, tell me if I'm wrong at all, but we're looking at making this land contiguous to the hospital property.
- [Tom] That'll have to happen when the development occurs. Currently it still sits as a separate parcel.
- Separate address.
- [Tom] Yep, separate address. So yes, that definitely is part of that development when it happens, sooner rather than later, that'll all be combined up.
- Okay. Anyone else? Okay? Thank you, gentlemen.
- [Richard] Thank you.
- [Tom] Thank you very much for your time.
- You're welcome.
- You guys want these back, or?
- No, that's okay, just keep 'em, use 'em for whatever you like.
- Would anyone like to speak for or against the variance that's been requested here? Okay.
- Paul, is there, there's no encroachment of the fence itself across the property line is there? You said encroachment, but I think you were talking more about the setback not necessarily about the lot?
- Right, I hope that it's on private property. I can't verify that, but.
- Okay. And are we able to say, grant an approval but make it time bound? So we could say we could grant a five year extension or something? I know they're talking about three years, but if we said five years, that would more than cover their time horizon and--
- And then they could come back and if for some reason they haven't developed it.
- If they haven't successfully developed it, then give 'em an extension again?
- Then you give 'em an extra two years.
- Yeah.
- Yeah. I like that.
- I like that.
- I would move approval of the variance as requested subject to an expiration of five years from today.

- I'll, go ahead.
- I'll second.
- Okay, we have a motion to approve the variance made by Mr. Halvorsen, seconded by Mr. Hutchison, with the caveat they added a five year time extension on the variance. All in favor?
- [All] Aye.
- Opposed? You got your variance.
- Thank you.
- Thank you.
- Thank you.
- Thank you very much.
- For five years.
- Yeah.
- All right, onto number four, we have Michael and Christine Casperson, that'd be 720 Chicago Street property.
- [Michael] Michael Casperson, I live at 720 Chicago. My wife was unable to attend due to a family situation that she's dealing with, but we wanted to come out and talk with you, let you see what we're looking to do here.
- Very good, have a seat if you'd like, and Paul if you want to say a little about.
- 720 is a single family home, southwest corner of Chicago. This is kind of an odd shaped lot, this is where the home is here. The proposal is to add a detached garage here. So there's a driveway coming off of Chicago and Jackson. The problem here is the setbacks. The corner requires a 55 foot setback from both Chicago and Jackson. There's no other dimensional issues that we're aware of at this point, so it's just simply setbacks for the detached structure.
- Okay. 55 foot setback.
- Right.
- And the lot's not even that wide.
- Right.
- [Michael] 53.75. I spoke to the neighbor that's over there, and she decided that it would be very inconvenient for her to have my garage in her house.
- Yeah.
- All right, Mr. Casperson, would you like to speak on behalf of your request here.

- [Michael] Yes, I've lived in this house for over 30 years. I have a picture here, it doesn't really show it too well, but the original driveway, oh there it is. The original driveway, you can see, runs along the house into the back yard. Now that's on the bottom of the hill that goes up on Jackson Street and beyond. And I have a lot of water that comes flowing down there. In fact, some of the recent weather has created a virtual river down that driveway. Many years I dig a trench down that gravel driveway just to get the water outta the back yard. There used to be a house located on this empty lot. It was a three family rental property. It had caught on fire and burned down. And the wife and I decided that we were going to attempt to buy that house and build a garage. There was an old garage in the back yard which we took down because it was about to fall down. And it had some illegal electrical hookups that it just wasn't acceptable. In 2011 we did acquire that empty lot. And we've been proceeding on a path to construct a garage there. I don't know if you guys want to see these pictures. So the proposed project entails building a 30 by 32.75 foot foundation, which is under the footprint of the house. And this includes installation of required footings to support a future detached garage structure. The plan calls for two driveway entrance points. One at Chicago Street which would be a 20 by 25, and then the Jackson Street would be a 20 by 10 foot. In addition, a 40 by 30 foot flatwork section will connect the garage foundation to the house entrance. That's gonna be a raised foundation because that's gonna take care of that water flow coming through. I am having the mini-storm sewer system put in. The city just completed the construction along Chicago Street connecting it, and my plumber is gonna come in I think this week to run a drain towards the back of the house so that any water that comes down is gonna be caught in that drain and then underground it'll funnel out to the street. And you can see the damage on the existing driveway where all the water just keeps gushing down. It fills the whole street. In winter it freezes over. It cracks and wrecks the road. And also we have, in Winter, that water gets on there, the gravel freezes, my wife has fallen down herself, we've got other people injure themselves because of all the water that's around there. So this will alleviate that water issue. And so I'm seeking the area dimensional variance regarding the setback, which we've already talked to. 55 feet is a few feet beyond what the structure of what the dimension of the lot is. If you refer to the notes on table 6.4, which is for this ordinance, I have a copy of that. And they speak of the 55 foot setback, and there's also a note here attached to it, note E, which reads, "the corner yard setback may be reduced "where at least 50% of the front footage of any block "is built up with principal structures. "The corner yard setback for new structures shall be equal "to the average of existing structures except "that any structure which is set back 20% or more or less "than the average may be discounted from the formula. "In no case shall the setback be less than 15 feet, "and shall only apply to the corner lots "of two intersection right of ways." I did measure those setbacks, and they average out, and the entire Chicago Street's structures, average out to 16.6 feet. They're all within the 20% thing for the equation so they all apply. And I'm looking for a 20 foot setback, which is about 20% further than the average is calling for. Practical difficulty. Strict compliance would be unnecessarily burdensome for us. An example, complying with the 55 setback would put the garage in the neighbor's home. Granting the variance would do substantial justice to myself, the homeowner. Denying the variance would render this property unusable due to its current dimensions. Note, these lot dimensions were created prior to the passage of these zoning ordinances. This house is over 100 years old. And, like I said, I acquired this property in 2011. It has been that long that I've been trying to get a garage going here. I spoke to several of my neighbors, two on Chicago Street and two on Jackson. I showed them my plan which you saw there. They all wanted to write comments. I had comments from all of them. You're welcome to read all those.

- I assume they're all supportive.

- [Michael] They are. Some of them are a little more wordy than, but they more or less don't care.

- In your proposal here is the garage on the frontage on Jackson, is that farther back on the front of the house next door? And I'm not talking about--

- Yes it is.

- Just the porch, but the actual house itself?

- [Michael] Yes it is.

- Okay, so it starts further in than that. Can you just tell me what the parking situation is there with the two driveways, because it looks like the west side of the garage with the wider driveway is the primary entrance, and I'm assuming you're gonna have two stalls there, but you also have another drive way on the other side. And what's that for and how does that work?

- [Michael] I'm currently in possession of three vehicles and a boat, and one of my vehicles is a truck and I use it to move the boat. I can park the two cars on the west side driveway, come in and turn the corner and go in. But as far as the boat and the truck, I would like to use the Jackson Street entrance so I could pull in and utilize that section of the garage to store those two vehicles. The nice thing about the garage too is that I get the vehicles off the street. I've got lawn equipment sitting in the back yard, it almost looks like a junk yard, not quite, but almost. And I really want to clean it up so that it has a pleasing appearance. And I guess that's why I'm going with that size.

- And so, just clarifying Paul, the only variance needed here is the setbacks because the impervious surface and size and everything else is okay?

- It checks out, yes.

- [Michael] I did all the impervious calculations, and I'm all good with that, yeah.

- Okay.

- There's currently it looks like two driveway entrances, are you going to reconstruct those at some point?

- [Michael] Yes, this first driveway that you see, the cement one, was the original driveway from the house that sat on that lot originally. It caught on fire and they razed it, but they never tore that out. And as soon as I acquired that property, Tim Meves, the city inspector came by and said that I have two driveways, I have to have one gone. But I always wanted to get rid of this gravel driveway anyway because like I said, it's just a water channel is all it amounts to. So that entire driveway's gonna disappear. The only driveway that's gonna exist on the Chicago Street side is gonna be the 25 footer.

- Okay.

- [Michael] And that has the maximum, I believe, the ordinance allows, is 25 feet. And the reason I'm going wider with that is because I want to come in and make the turn, and then I'm going all the way too to the house, again, so that I can raise that up and keep the water off of that area there. But that is not gonna be a designated parking area. I'm gonna have, the mini-storm is gonna come underneath that and pop up somewhere in back of the house. And I'm putting patio doors out there, we might get like a retractable awning, or something similar to that, a couple of chairs out there. So it wouldn't be driveway that last 10 feet between the house where the cars are parked now, that would be more of a patio situation as opposed to a driveway.

- Well, there's no consider, and forgive me if I missed this, they're two separate lots?

- They were two separate lots at one point.

- But they joined?

- They've been joined into one lot in kind.

- Okay.

- Yeah, they're one tax parcel. It's kind of a flag shaped lot almost.
- [Michael] Yes, it's an L shaped lot.
- Any other questions for the applicant.
- No, but just for the record, although I didn't visit this property, I work kitty-corner from it, so I see it every day.
- [Michael] Oh, okay. You must work at Neighborhood Works?
- Yeah, NeighborWorks, yeah.
- [Bill] If I could?
- Someone would, any other questions for the applicant?
- No, I have no other questions.
- Anything else to add?
- [Michael] Yeah, I just want to add that, I just want to say, public interest would be enhanced by this project because it will clean up the area, the clutter that is around there. So I believe that does enhance the public interest. And the garage is gonna be situated in a similar spot that the house was. It's gonna look good. And then use in the clause on table 6.4, use of that clause for that 20% or more or less setback, that doesn't poke fun at the clause, it supports it both in spirit and in intent. It's written in there to be used, and I'm not looking to go outside of this, the ordinance itself, but I would like to make use of the clause as written in the ordinance.
- Very good, thank you. We have a gentleman that would like to speak on?
- [Bill] Thank you. Bill Galvin, the Alderman for the 4th District. I've been in contact with the gentleman here. I haven't had any negative comments at all from neighbors about this. I think his drawing is pretty, it's obvious that the garage is not going to be going past the front of either house on Chicago or Jackson Street. He's gonna be cleaning up a property that was an eyesore. I was working the day it burned down, I was there. Good riddance to that place.
- He saw the snake come out.
- The snake, yes, there was a 16 foot boa constrictor in the closet when the fireman went in, and scared the crap out of him, yeah. So they were able to save that. But anyway, he's done a good job maintaining the property, cleaning it up. I know it's been a kind of difficult struggle for him to get the process done, but I think he's correct, I think once it's done it's gonna enhance how the whole property looks as one unit, and I would hope that you guys could see your way to granting this variance. Thank you.
- Thank you.
- Thank you, Bill.
- Thanks, Bill.

- Anyone else that would like to speak for or against the requested variance? Okay, thank you. We're gonna deliberate now. Gentleman, what do you think?

- Paul, just one question. The comment on that corner caveat in the ordinance. Is that when we're talking about principal structures, or is that any structure?

- Probably more principal structure.

- Yeah, okay.

- If these were attached, would that make a difference?

- Yes.

- It would?

- Yes.

- Okay, and the existing house that burned down, kinda sorta was in where that proposed garage is?

- Right, you kind of see where the old lot line was, that dashed line that runs up there. A very small lot.

- Okay.

- Yeah, actually the original house might've even been closer to the corner on both dimensions than this is.

- Okay, so something's been there before all by itself.

- Yes, freestanding.

- Well there used to be a brewery there. A century ago the Van Dyke Brewery was there.

- I mean, I'm in favor of it, I think it makes sense. I think this is a perfect example of lot dimensions creating obstacles, and a vacant property that someone's trying to do something with, made a great case, he's been extremely thorough with his thought process, he's taking out a bad driveway, putting in the work to make the property work with the new driveway. I think it's gonna help that whole situation out a lot. So I'm in favor of this.

- Yeah, I mean he's working with a, the original parcel is only 40 feet wide that his house is on, so he really didn't have any, and the way the lot developed, there was no way he could thread back behind the house to put a garage back there because of the configuration. So, picking up that lot he can only develop there on that new property, so I think it makes sense as well. It seems like an awful lot of pavement to me, that's why I asked the question about impervious surface. But I suppose there's still a lot of green space. But that's a big slab of concrete. But I also get it in terms of the way he's configured it by having it sideways instead of having the doors facing the street, which might have been a preferable option, move that thing over and do it that way, but I'm not gonna design his site here.

- Yeah, this is a side lot dimension issue, we get these quite a bit.

- Even though I'm gonna have to look at it every day, so I hope it's really attractive.

- I tend to agree with the stated facts.

- So we are in agreement.
- I'll motion to approve the variance as requested.
- Second.
- Okay we have a motion by Tommy to approve the variance, seconded by Noel. All in favor?
- [All] Aye.
- Opposed? You got your variance.
- Good deal.
- Thank you very much, gentlemen.
- Thank you.
- Just make sure to stop in our office for permits and all the other good stuff.
- [Michael] I will, I just talked to the contractor about this earlier today. We'll be in there soon.
- Okay, thanks.
- All right. Onto our last item on the agenda. Ryan and Naomi Parrott. This property at 816 Winford Avenue. Come up and make your case. Paul, would you like to give an overview?
- Sure, real quickly, again, we have a single family home. Low Density Residential district, Winford and Minahan. The issue is on Minahan, not Winford. There is an existing fence that, I'm not sure how it originated there, but it was there for several years. The fence was then improved or replaced I guess, so we've got that setback issue of the fence being too tall within a front yard setback. I believe it's six feet tall. It's well within the setback. So again, you're looking at the three, four, five foot range as far as transparency. So the idea here is to retain and leave the fence as it is, as it was replaced basically.
- Okay, would you like to make your case here.
- [Ryan] Ryan and Naomi Parrott, 816 Winford Avenue. We bought the home, it had an existing fence. The existing fence was quite disheveled and coming apart. Both our animals were able to at least poke their heads through several boards, and we tried to kind of hold it up as much as we could by repairing it. Made the decision to replace the panels with the dog-eared, looks like he's got in the picture. Then using the existing posts, we saw it as a repair to the fence that was breaking down to keep the animals in and to beautify the yard.
- Okay, so the fence existing was the same height as the one you replaced it with?
- [Ryan] It was not.
- [Naomi] It's two inches shorter.
- Okay.
- [Ryan] Yeah, the existing was five 10, and the one we purchased was six feet.

- Okay.
- But five 10 wasn't an approved height either.
- Yeah, I'm not sure of the history of the fence, if there was permits granted or not.
- Okay, what type of fence was it, existing like prior to this?
- [Ryan] It's the diamond--
- Oh, yeah.
- Yeah.
- With the step.
- Yeah, it's, just scroll down, it's farther in.
- [Ryan] So all the barely one inch thick criss-crosses just fell out and there's no support behind it, so the dog just pushes his nose right through.
- Okay.
- There you go.
- So, the new fence, is it in exactly where the old fence was?
- [Ryan] Yes.
- Okay.
- [Naomi] It was just the fence panels--
- [Ryan] Took a panel down, put another panel up.
- [Naomi] That you can get at Menards. So yeah, it's just six screws to take it off, six screws to put it on. All the fence posts were there, everything was there. We just simply took off the old decrepit panels and put on new ones.
- Did you get a citation? That pointed out the variance, or how did this come to?
- [Naomi] Apparently there was a com--
- [Ryan] It was anonymous.
- [Naomi] An anonymous complaint filed. I've got four of our neighbors here. So I'm not really sure where the complaint came from.
- They got some troublemakers.
- So, you get a notification from Inspection saying you've got a fence that's in violation of code. And you look into it and realize that one of your options is to come here and petition to keep the fence as you've replaced the old fence which was pretty much the same size except two inches shorter and more beat up, correct?

- Well the old fence would've been in violation too, right?
- Right.
- If the person would've complained.
- It would've been considered non-conforming. You could maintain it I suppose. But if it's a wholesale change, then that becomes the issue.
- So you coulda replaced a board or two if you had to, obviously, but the entire panels were changed to give it the basic--
- We don't know whether actually that old fence was ever permitted, right?
- We don't know.
- It coulda just been built--
- We can't see that?
- And no one ever did anything about it.
- Well, if we--
- Like a variance was granted for that fence?
- Well we'd have to go back and look where if there was a permit granted for that.
- [Naomi] It was existing when we bought it, so we don't, I guess it never dawned on us that it wouldn't be, that this would be a problem.
- Sure, that's usually what happens .
- [Ryan] There's a misunderstanding, huh?
- Greg, somebody in the back is raising their hand, maybe they've got something to add to a particular point that's being talked about here.
- Okay.
- Hi.
- Would you like to speak? Would you identify yourself by name and address, please.
- [Debbie] Debbie Hamilton, 822 Winford Avenue. I live on the opposite, right next door to the property. I can speak to the history of the fence. Actually it was an individual who had, I went to work in the morning, and a few cars around, and by the end of the day when I returned home, surprise, there's a fence. It was second hand from what I understood. And it has been falling apart since day one. So it was never in compliance. It was put up by people's family's members, and it was just, it's been a mess since day one.
- [Joshua] It was the owners before them.

- [Debbie] It wasn't these people.
- Thank you. You want to continue with your, if you have anything else to add, you don't have to.
- [Ryan] No.
- How much did you spend replacing this fence?
- [Naomi] About \$900.00.
- Well it looks better.
- [Ryan] Thank you.
- [Naomi] There's a lot of dog walkers in our neighborhood and every single person that's gone by has complimented the fence.
- Sure.
- It just stands out 'cause it's all shiny and new.
- [Naomi] And it is the treated wood, so we're not going to, and nor do we need to, do any type of finish on it. It'll naturally weather.
- Paul, how much farther back would it be to go to be in compliance?
- Probably back to the house itself.
- Yeah, that's what I was wondering, if it's, but even.
- I mean, even with that, maybe even further back possibly, based on the positioning of the other home.
- Basically making the fence a no-go, right?
- For a six foot high, what about a three foot?
- A three foot, it would be acceptable in that location. So you could take off three feet of that fence as it was replaced, there would be compliance.
- Okay.
- [Naomi] I tried to include some pictures from a little back so you could kind of see that even with the fence where it is it's not impeding visibility with the corner traffic or pedestrians.
- Right. It's far back enough from the road is what you're saying?
- [Naomi] Right.
- That's these ones?
- [Naomi] Right, yes. So those, and the one you were just on was from the middle of Winford looking down Minahan. And then kind of a little off to the side, so more of an angled view.

- Hmm.
- Questions of the applicant?
- I don't have any questions.
- No, I don't have any.
- Tommy?
- No.
- Okay. All right, Mr. Alderman, would you like to speak?
- [Mark] Sure if all the comments, then I could speak now or wait?
- We can take theirs first.
- Oh.
- Or however you wanna do it.
- Yeah, whatever you want to do, Mr. Alderman. Do you want to wait for the comments?
- [Mark] Yeah, if there's other folks that want to speak to it.
- Okay, anyone else who would want to speak on for or against.
- [Joshua] Yeah, I'm here to support my neighbor's--
- Could you identify yourself, name and address please, for the record.
- [Joshua] Yeah, Joshua Stamps, 810 Winford. I'm like on the corner lot, right across the street. So when I walk out the back door I see the fence, basically. But, yeah, from like an updated standpoint, it's definitely better condition. It definitely looks nicer. I don't really see any issue with it personally. But that's why I was here, to support them. That's about all I can comment on.
- Thank you.
- Thank you.
- Anyone else that would like to speak?
- [Jill] Jill Hopkins, I actually live on 1132 Minahan, right next door. And I would say that I don't really see a problem with the fence. I think it's nice to live in a neighborhood where people care about their property and try to make updates and make things look nicer. And I have heard several people walk by and say it looks a lot better than it did, so I am definitely in support of it.
- Thank you. Anyone else?
- [Debbie] Again, Debbie Hamilton, 822 Winford, next door neighbor. I would like it to go all the way around because the side facing me is in the same condition as .

- [Naomi] We'll get there.
- [Ryan] We would like to go all the way around but this kind of put the brakes on the whole thing. The back side is still the old disheveled fence. But when they're like you can't do that fence at all.
- [Naomi] Between our two houses.
- [Ryan] We stopped.
- [Naomi] Yeah, we kinda.
- [Ryan] So we actually do have more panels in the garage. But we stopped.
- Okay. Would anyone else like to talk?
- Can you return the panels?
- [Ryan] Not the ones that I put holes in with the screws. But the ones that I have left in the garage, I could return them, yes.
- [Naomi] We have two in the garage right now.
- May I ask a theoretical question?
- [Ryan] Certainly.
- Do you have a desire to keep it because you installed it or because of its use? So, for example, financially, if you were able to take the panels that you haven't used, bring 'em back. Pull up the post and make the fence comply, is that an option? Does that make sense? 'Cause it sounds like you put it in because you're just replacing what was there.
- [Naomi] Right, but we have two young children and a dog, so it is really nice to be able to, my son just turned four. He's old enough to go outside, but not old enough to go outside. If he's staying in the back, stay in the gate, I know he's good, because at least he's in the fenced in part of the yard and I'm not worried about him running out in the street or anything. So, I mean, we did replace it because it was there, but only because it was decrepit and falling apart. But we really do use it for fenced-in properties.
- Right. Okay, thank you.
- Mr. Alderman?
- [Mark] Thanks to all, Alder Steuer, I'm in that district area. So I've talked to the parents, I've talked to Deb Hamilton, Betty's here as well, she's a neighbor two doors down. More than that. I also talked to Brenda Seidl, and I was gonna ask Paul if you had talked to her at all about this property.
- I don't recall talking to her, no.
- Okay, so I was trying to gather as much data as I could on this particular project, and granted the fence does look nice. They did a nice job of that. It's a corner lot, so they're limited a little bit with space. According to Brenda it sounded to me like that the original fence that was built in, Deb, what year was that when that went in, roughly?
- [Debbie] It's been at least four or five years before them.

- Before. So it's been, so the fence has been up there for awhile. And to me, according to Brenda, it sounded to me like there was not a permit for that fence. So it's kind of a unique situation where now the owners are here and they're replacing it on the same foot print as the old fence, but the old fence didn't have a permit, so I think that's one of the issues. But I don't know if I can point it out too, 'cause I took some pictures as well, and where Deb lives, over here, and I'll have to talk to you about that too, Deb. So you've got the fence coming here and up here like this, but on this side it's still the old fence. And weren't you talking about not being able to get to some of your plants, like the lilac bushes? There's a bit of a hardship on your end, trying to get back there?

- [Debbie] It was built right on the line if I understand it correctly, and my garage is approximately two feet off of the line, and it does create some mobility issues as far as me getting to my back yard on that side of the garage. I do have a hedge of lilacs that runs from my garage all the way to the back lot line.

- Along that stretch?

- Yeah.

- I have a picture on my phone.

- [Debbie] To weed out on their side is not convenient with that side as it is. But I do believe the ordinance actually says that you can have the fence on the line.

- That's correct. So with that being said, I don't know, I haven't really talked to Ryan and Naomi about that, but was there some thought of putting something up on this side or not?

- [Ryan] Well yeah, it was gonna be a complete project.

- A complete project.

- [Ryan] Until the brakes were put on, and we were like, hey, nothing's right here.

- And I know that you have some of the old fence back there too, and that is an issue as well as far as making sure that's cleaned up et cetera. The city doesn't take that per se, so you'll have to figure that out.

- [Ryan] It's deemed construction material.

- So I don't know, it's kind of an interesting conundrum. You've got a couple of things going on. You have an old fence that wasn't permitted according to Brenda Seidl. And then this one was replaced. So to me it sounds, it's kind of a two edged sword. It sounds to me that you have to have a permit to build a fence, so if you have something that's existing already, and they come in and just replace it, you still need to have a permit I guess. So my big thing would be to have some of that stuff cleaned up in the back. If there's a way that they could build a fence on this side to complete it, because I personally, it's attractive, they did a nice job on that. It is six foot high, I measured, it's a 36 inches or three feet, it was like 33 for me, but close to the three feet on the side. And then, oops, there's. Easy, I'm older now. It was like three feet here and about five feet here. So Paul, as far as, if it was the three foot, then it would be all right.

- [Paul] Yes.

- But I think one of the issues is you have a four year old and you have a dog that could probably leap the fence, right? So these are the little issues that come up. So as far as Deb, you don't see this per se from your house, it's on this side. So I don't know, they've had support from the other neighbors as well. I would opt to see them get all that refuse from the previous fence, get that outta there, clean that up, and if there's a way to

extend this project all the way around. It is six foot, the other one was five 10. The only picking point or crutch for me is the fact that it wasn't a permitted fence to begin with, and they just replaced that, so should they be penalized for that? I defer to the Committee on that, but it's, you know what I mean? It's kind of where I'm at right now.

- So to that point, how many feet did you add, or how many feet did you replace, linear feet, roughly?

- [Naomi] 64.

- Okay. So anything over 50 feet you need a permit for. So we'd ask at a minimum to come into our office on the sixth floor and apply for a fence permit. Chances are you might get double fee'd because you did work without a permit. But it's \$100, basically, but you'd have to come in. So anything, with just that portion of the fence or if you go around the yard, you'd have to come in for a fence permit.

- [Naomi] Even on the other side of the yard? Oh yeah, because it's more than the 50 feet.

- Yeah, right, so you have to think about whether you want to package it all together and do what you did already plus the other side, or treat 'em as two separate projects, it's up to you. But I guess what's before the Committee today is just the initial frontage on Minahan.

- Right, and certainly anything that they might want to do on the back lot line, or the inside lot line, or short of that or whatever, that's certainly, they could put a six foot fence back there, right?

- Yep.

- As long as it's not going in front of the house towards Winford, right? So that is, whether it comes out from the house, it goes to the lot line and it goes back to the garage, or however they do that, but that's something they can work out with their neighbor I think. I think that the key thing for us here is the stuff between the garage and the house at the sidewalk. I don't have any other questions for the petitioner.

- Okay. Any other questions?

- I don't.

- No, not for the petitioners.

- Thank you.

- Thank you.

- Thank you.

- So the challenge I think here is that we've got somebody who is trying to improve something that's existing, right, and they're like, okay, I got a fence here, it's falling down, I'm gonna fix my fence. That seems like a natural, normal thing for a homeowner to think. Granted, even with the length they've got, yeah, that shoulda been a permitted fence already. And then they would've got the oh, no, that's not, you can't do a fence that big there, and they would've figured this out before doing it.

- Regardless of them showing up here?

- Right.

- Somebody would've showed up.

- Right. But, at the same time, looking at this, and even if you're fixing pieces of it as you went along, thinking about, oh, I'll do this when I can afford it or whatever, that was a non-conforming fence, I believe, unless you've got some evidence to the contrary, I think. And so the previous owner wasn't held ditto to the code, and now a subsequent owner is doing something, now granted us saying that's okay, is it necessarily making a situation right? But it is one of those circumstances where why wasn't this dealt with in the years and years it existed before a new fence went in? And can we say it's okay in this case? I can certainly make that a three foot fence, right, I mean a little Sawzall action and you got, you can go just midway and make that off, and cut new dog ears on the things. But I get what the petitioner is saying with regard to pets and things like that, and again, this is a classic. If we looked at all the petitions that we see for variances and counted how many of them were on corners versus not on corners, it's gotta be 75% of 'em are on corner lots, right? It's just corners don't work right, they're always gettin' somethin', you know?

- Short end of the stick.

- They're gettin' the short end of the stick. They get unrealistic side yard setbacks that can't be possibly met with the garage, they got no place to have their back yard so they have no back yard, it's always front or side. And so this is the spot we find ourselves in. I'm torn because although it's an attractive fence, it looks too tall to be visually, it looks too tall, and I want to make it shorter. But, at the same time, I don't wanna penalize somebody who is trying to make an improvement to a property and to a situation that the neighborhood itself had let exist for years. And then now they fix it up and now the neighborhood, or aspects of the neighborhood, are telling them they can't. I don't like that.

- That's maybe the unique circumstance is what you're saying, is they're trying to make it better and now they're getting--

- Yeah.

- And did make it better.

- Yeah.

- So there's a couple of different setbacks we look at. One is obviously relationship to the street and in the front yard setback. The other one is the vision triangle, and that's always in play. There is a setback, a 15 foot setback that relates to alleys and driveways and that would apply here as well. So in theory there should be a 15 foot setback, it's kind of a direct triangle, 15 feet this way and 15 feet this way and connecting the two points to create an unobstructed view for the motorist. In this case it's only one or two cars, I suppose, backing out, but still, a pedestrian really won't have a chance. And again, that's a reason why those fences are three, four, and five, three foot solid, a four foot 50%, five foot, 80%, to give that transparency, certainly along front yard setbacks. This could present an issue for visibility.

- Yeah.

- I can't predict that, but just to make you aware that is a requirement of the ordinance that there is a vision triangle.

- What's the speed limit? Is it 25 miles an hour?

- 25.

- Okay. And then that offset I think you're talking about would be on the right side of that red car because you can't drive from that red car out, you'd have to somehow angle it over to get into the driveway?

- I think that's right, and I'm not sure even about that slab, if that was approved, but I mean, yeah, you have to turn back into that driveway.
- [Ryan] That's your next letter.
- Yeah, I'm not trying to raise another issue, but I think the problem is backing out and having pedestrians come, depending at the rate of speed and whose sidewalk, maybe you don't quite see them.
- Right.
- Yeah.
- If that fence is lower, maybe you do, maybe you don't.
- Yep. Yeah, I would argue that given where the driveway, the curb cut is actually in the driveway, that there is a 15 foot--
- Or almost.
- Triangle, or darn near, right? That's not an accurate depiction of the curb cut there.
- Right, there's a car parked under that tree.
- Yeah, but it can't pull straight out to the street.
- It can't pull straight out.
- No.
- So that's another nine feet wide, at least, with there.
- If you try and use the scale here, you've got probably another eight, nine feet, to add into the five feet there.
- Add into to the five.
- Yeah.
- So I'm sure it's, if it's not 15, it's darn close.
- But the point's taken that's why I asked the speed of it, if it's 25 we're okay, but--
- It's the speed limit, it's also pedestrians.
- And I think it's also a good point, the pedestrian thing too, though, so it's got that, they've got some distance.
- Paul can you go to the bird's-eye, like computer drawing, for a second?
- I can't access that real quickly because--
- This one?
- Oh that one, sure. I thought you meant the street view or something.

- No no, just this one. Can you just, visually, for me, I get it's theoretical, it's not going to be exact, but like a conforming solution? Knowing setback and stuff like that. Would it come straight off the house here and then go back in theory?
- Right, so what I--
- So just bringing that front wall back?
- Again, I believe as a six foot fence, the setback roughly is where the front of the dwelling is, so that would have to go back.
- Yep, and then it could come straight over and go straight back, or would it have to go angled?
- You mean here?
- Yep.
- This should all be three foot solid to this point here.
- Yep, but the one that's going alongside, parallel to the driveway, that can stay exactly where it is?
- Once it's past the house, once it's past the house with the setback, it'd be six feet.
- To make this work, those pieces come out. Move it back to the side of the house. Everything else can stay?
- True.
- Right, and it's conforming? The one that's going now, perpendicular to the driveway, no problems there?
- Right.
- Okay.
- Yeah, you can move the fence or you can cut the fence. There's two simple, well not simple, but there's two options there.
- Yeah.
- Where is the four foot fence? Is it somewhere in between?
- The four foot, 50%. So I guess you could remove boards as well. You can cut it, and you can remove boards, open it up as well. Chain link would give you the most option I guess, as far as transparency. Three foot solid board on board is very, is more difficult.
- I mean, how far back would you have to go with the four foot? Six foot is all the way back to the house, but--
- Four foot solid, or?
- Yeah, four foot, like this, like that.
- Any time it's solid it'd have to be behind any setback, it'd have to be behind the home.
- Oh, so that'd be back to the house too? So only a three foot wall--

- Only a three foot solid.
- Okay, gotcha.
- Or four foot, 50%.
- Okay.
- Or five foot, 80%.
- Okay, thank you.
- So it's kind of a graduated scale.
- I gotcha.
- Right, and that actually promotes putting a five foot tall chain link fence up against our sidewalks in a residential neighborhood, which I think is absolutely not what we should be doing from a streetscape perspective, but yeah, that's the ordinance, right? There's a lot of ways my brain wants to pick and shovel at this. But I keep coming back to the fact that we got homeowners who are trying to make improvements on something that had been in that neighborhood for years, and they're a corner lot. They don't have a lot of options. And my inclination is to approve the variance as requested. And just ask that maybe, or make a condition on them getting the old fence sections removed, that are being stored or whatever back there.
- [Mark] If I could interject, 'cause we're talking about the safety issue, and we've got the driveway cut, and then I guess I really didn't notice it as well, but when you are backing out, I can see that being a bit of an issue, but if you had the car pointed, the front end pointed toward the street, would that, I don't know if you can really put stipulations on something like that, or, I'm just looking at it from the safety issue. If you could see it better, and I think the Parrotts might agree on it.
- The point is though that this car parked here can't pull back straight to the street, you know, this has to come out this way, and so by the time they're here, they're able to see down the sidewalk, and they're not gonna run over a kid or something.
- [Mark] I'm just saying if the car was turned around, you could turn it easily and you could also see the oncoming traffic, whether it's pedestrian or vehicular. That's just a point.
- I just want, I struggle with these, because it feels punitive in a lot of ways to the person who's just trying to like, oh there's a fence there, let me replace it. It makes, I really struggle with the idea of like, well I can replace pieces of a non-conforming fence. But when I change the whole thing, all of a sudden now I'm not in compliance?
- So in theory it's non-conforming, right? So there's kind of a 50% threshold, we go over that--
- Correct.
- Replace a board one for one up to about X number, right? So maintenance is one component, this is a wholesale change.
- Correct. So I just struggle with these because for me, if I'm a homeowner and I do that and I'm unaware of this process or how cities work and all that stuff, which we see all the time, my heart hurts, I'm like, that's a horrible situation. I think, for me, in this situation, I go back to the training that we went through, and I feel my

role on the board is to say, okay, cool, are there solutions? Is the property itself not allowing a conforming solution? And I think the benefit too, for me right now, is that because the property, there's not even a financial hardship, I shouldn't say there's not even, there's a way to get outta this and get it conforming, and it might mitigate some of the financial impact of having the whole project completed. There are other pieces, they might be able to recoup some of the investment, use those pieces, move it back, remove those fence posts and actually get, it's not gonna be as big of a yard, and I can appreciate that, I have kids too, but I think as a board, our job is to look at the code, understand why it's there, take the heartfelt piece out of it, and look at the property, not the use of the property in a sense, but look at the property and how the person is trying to use it, does the property allow the proper use of that? And I think this property does allow that. And so for me, I'm leaning towards more no, even though it hurts me to say that, but I think there's a solvable solution here, and get what shouldn't have happened with someone putting in something incorrectly, getting it right. And so these are those tough ones for me, but I just feel like that to me is where I feel like my role on the board should be.

- Tommy, you're saying if they just took out the stuff that's up at the sidewalk and went straight from the front corner of the house, for example, over to the driveway, that would fix it and they would be able to reuse the sections they've got.

- I mean, I'm not a construction guy, but it sounds like there's pieces--

- It looks like that to you.

- And they could recoup, like that always makes me sad too, is money was spent again, there's no ill intent happening right now, but I just, I think there are options to rectify this and to get it right, and that's where I'm leaning towards right now.

- A woman had her hand up.

- [Mark] There's another point, I mean, if, for example, it's a six foot fence, and you're talking about three foot, four foot, five foot, and 80%, what is it at five foot, Paul, as far as?

- 80%.

- [Mark] 80%, I mean, just looking at what's existing, is there a way to look at that fence and see, is there a way to adjust that somehow? I'd say trim it, but we're, and add that 80% to the top, or is there something that could be done to the fence as is to make it sight corrective.

- Right, 80% see-through means that you're removing enough boards that the dog and the kid are gonna be able to squeeze through.

- [Mark] Yeah, I know.

- [Ryan] Or make it Swiss cheese.

- [Mark] I'm just trying to think outside the box here. I don't know.

- Yeah.

- Or you could ask for an alternative. You can have that choice as well if you're not comfortable.

- What are you thinking?

- I have a real pet peeve about someone buying a property and then doing what they think is right and dealing with what the geometry they have, and they find out, oh, the previous property owner didn't cover the base, and then they're left holding the bag. We've run across this a couple of times, and I'm always siding with the petitioner that they're trying to do the right thing, and it's not their fault. And I know it runs against the established rules, but the fact that there has been no safety issues, the fact there has been no complaints.

- Well there had been a complaint, 'cause that's what led to us being here.

- Well, okay. We had a complaint about it sticking out. If they would get a permit for this fence, if that was a condition of approval, and if we would also include at the end of the project that everything be cleaned up, I would be voting for that if that was a condition. That's where I'm at.

- Well, somebody's either got to make a motion to deny and see what happens, or make a motion to approve and see what happens.

- I'm concerned about, again, I don't think there's any ill intent obviously, doing what's right, and you've got needs and so forth, but I have a real concern when Paul brought up that safety, I understand there's a gap there, but just thinking about someone being on that sidewalk, or a kid or whatever it is, it's a pretty tall fence, I mean, it does look high. I know what you were saying, in comparison to that house, and again I just, I think I'm siding right now with Tommy, even though I don't want to. Siding with Tommy, there, and my thought would be to see if they wouldn't consider some alternatives here for us to look at and maybe that's an option.

- Yeah, hearing that Greg, it sounds like we could be split, and if we're split on a vote the petition fails, which would mean you gotta remove it or do whatever. So one of the things that we could just do is maybe just table this and see if the petitioners can take a look at this and see if there's another option that might make some sense or an alternative that works.

- Is that something you would consider, in wanting to come back and consider some alternatives that you might consider being okay with?

- Well either that or it sounds like it's gonna mean a no.

- Or it comes down completely.

- Right, today.

- And we have another--

- Well it just moves back. It can work, you know what I mean?

- [Ryan] It can, but then, the way the house is set up, we'd let the dog out and the dog would just run, because the--

- Because you let him off the front porch.

- [Ryan] The deck goes off into the yard.

- And so, and I'm not suggesting anything that would be a vote for us in the future, but for instance, somebody coming back and saying, hey, I'm moving the fence back, not all the way to the house, but to the front edge of the porch so that I could still let the dog out the front door the way we've got it set up now, but it's further back from the sidewalk, and yeah, I know I'm gonna have to dig some new postholes, and I might lose a post or two, but I can reuse the fence materials I've got. That might be something this group could hear and go, okay,

that's something that we can do as a concession. But like I said, right now, it sounds like you've got maybe two for and two against, and that's a no.

- [Ryan] And how long would it be before I'd have to present a new plan?

- You could come back next month.

- Next month, Paul?

- Yeah, next month, yeah.

- Or whenever, as long as you needed. It doesn't have to be immediately if you need some time to work on it. I guess the thing is if we say no, or if we vote to do it and it fails, you can't talk to us about it for year.

- [Ryan] Right.

- So.

- [Naomi] I'm worried about if we come back next month, we're already late November. Our hands are kinda tied at the end of November as for digging or undigging.

- Right, that's a detail you work out with the inspector. I think the first thing is working through the variance process. That's a route you've chosen, so you have to explore that first.

- And any change or approval could be subject to wait until springtime when you can work on it or something like that. It doesn't necessarily have to be you have to comply immediately with it. We've got the ability to say that.

- May I just, again, I sometimes don't know if it's appropriate or not, but I can be honest, what you were theoretically proposing, like I would entertain that. So there is an option on the table, that if they're willing to say, well let's amend our application right now to say we'll move it back to the deck, again, we're guessing at measurements, but hey, we'll move it back--

- Can you put that up on the screen?

- Sure.

- The bird's-eye one.

- So here, if we're talking about the possibility of moving this back to here.

- That keeps the dog option--

- But keeping the rest, keeping everything else intact, but this section goes, and then this line, it can stay at the same height, but it goes here.

- Yep, and we're still giving a variance because it's still not within the thing--

- Because it's still not code, but.

- But that would flip my vote, which then gets them a yes.

- I think it would for me too, if move it back enough where we're not even worried about that sight line.

- But that's something you would have to consider.
- That's more work, but it's not like, it's a deal with, not a killer.
- Right, so that is an option too, if you're saying, yeah, we're willing to move it back to that, at least the deck, you're still applying for a variance because it's not within the correct setback. But for me that makes use of the property, it takes the safety concerns in. Now we're looking, instead of a, I mean I can't, I don't know the exact measurements, but let's say 10 feet, now you're only worried about four feet let's say, the size of a deck, my vote goes to yes on that, and now you've got a variance. But now you still have to agree to moving the fence. So we could still approve regardless of actually, of what they--
- Of what their interests are.
- Of what their interests are, and say hey, listen, we're giving a variance up until the deck, and I can make a motion to that.
- Take a shot at it, Tommy.
- [Ryan] Does it have to be the deck? Can it be the first post?
- [Mark] Yeah, show them.
- 'Cause I don't think this lines up completely with this, can I use this same first post to move these two back? Or does it have to be the deck? Is the deck the landmark, or can I use that post?
- Would you be able, I mean, again, we're guessing right now, but would you be able to wager, is it like a foot off, is it three feet off from where that post is to the deck?
- It looks pretty close.
- [Ryan] Can you go to the picture where you can actually see it? So six feet, there's the post. I guess it would be, it would be close.
- Yeah.
- It'd be close.
- I'm okay with that then.
- Yeah.
- Okay.
- Make a motion, Tommy, make a motion.
- Make a motion even if we don't know if they're gonna do it?
- Why not?
- It doesn't matter, right?
- Yeah.

- I make a motion to approve an amended variance to keep the six foot fence as long as it's moved back towards the first post, I don't know how to say it, but whatever that first post is, that's--
- Parallel to the sidewalk, but as far back as the first post--
- As close to the deck line as possible for a straight line. That's my motion. Is that clear to everyone?
- Clear enough. And the debris cleared out of the old fence.
- Yeah. You guys can add that in.
- Okay, Noel added it in? Is that a--
- Yeah, I'll second--
- Remotion it, and then I'll second it again. I don't see how that's part of this, I think it's--
- Oh, it's just what we, we can do it, so, the Alderman brought it up, I thought it's something reasonable.
- Or why I'm not in. Okay.
- I'll second it.
- We have a motion made by Tommy to approve the variance with the condition that the fence would be moved back--
- Approximately six feet to the first post.
- To the post, the first post, is that what we said?
- Yep.
- Yep.
- The post close to the deck, with also removing the remnants of the old fence, and that's been seconded by Noel. All in favor?
- [All] Aye.
- Opposed? You have the variance.
- [Naomi] Thank you.
- That's removing and replacing, or just removing the remnants?
- Removing.
- Remove 'em.
- Remove.

- Oh no, we're not talking about like the other fence, I think you're talking about there is like old sections of the fence are stacked up in the back yard or something like that.
- The other side of the fence isn't done, and after all this, that's where I .
- [Mark] Well would that be a separate matter?
- No.
- [Mark] They're just looking to clean up that stuff, but I'm talking about on the other side of the house.
- Yeah, they gotta figure that out with you guys.
- That's separate.
- That's a separate--
- Yeah.
- [Naomi] Do we need a building permit to move this back now?
- Yes. So I recommend stopping in our office whenever you can. Talk to Pete or Chad at the counter, and we can help you through a fence permit, yes.
- [Naomi] But the variance--
- They can get a permit for the whole project.
- But they'll know about this so that it will--
- [Naomi] For the variance is ahead of, is already approved, correct? Because part of the permitting process would be to apply for the variance, but we kind of put the horse before the--
- It's so called conditionally approved, in theory it's good for 30 days, but you can apply for a permit in that 30 day period and go ahead with, finish up the project.
- [Naomi] Get the permit, don't touch it until we have the permit.
- Right, make sure you have a permit in hand, and then you can go through and finish.
- [Naomi] Okay, and how long is this, are we allowed to get this work done, or this permit approved then?
- Well you'd wanna do that, well--
- In the dead of winter?
- No, I mean, it's good for one year. The variance is good for one year. So you want to get the permit pulled within that one year period. In theory it's good for another year, but you've got an issue of a complaint against the property, so you want to show the inspector that you're working through this in a quick fashion I guess. So it just would behoove you to just get the permits, do it as soon as you can to at least get compliance on what Brenda was looking for.
- [Naomi] All right, thank you.

- Thank you.
- Thank you.
- Have a good night.
- Thank you.
- Do we have to close the floor?
- Yes, so would someone like to make a motion to close the floor?
- So moved.
- I'll second.
- Okay we've got a motion made by Noel, seconded by Jim to close the floor. All in favor?
- [All] Aye.
- All right. The date of the next meeting is November 18, 2019. And does anyone want to make a motion to adjourn?
- So moved.
- Second.
- We've got a motion to adjourn made by Noel, seconded by Jim. All in favor?
- [All] Aye.
- Okay, thanks. On the fly here, I go, oh, he's not here.